IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID BRUNNER *Plaintiff,* v. ACCUWEATHER, *Defendant.*	: : : : : : : : :	CIVIL ACTION No. JURY TRIAL DEMANDED

COMPLAINT

Plaintiff David Brunner, by and through his attorney, Stephen Franko, Esq., hereby files this Complaint against Defendant, and in support avers as follows:

INTRODUCTION

AccuWeather ("Defendant") terminated Plaintiff David Brunner ("Brunner"), for needing time off to treat his ongoing disabilities and the after effects of prostate cancer and Mantle Cell Lymphoma.

This action seeks equitable relief, as well as monetary damages, to redress Defendant's unlawful discrimination and retaliation, in violation of the American with Disabilities Act (ADA), 42 U.S.C. § 12101; and the Pennsylvania Human Relations Act, 43 P.S. §955.

JURISDICTION AND VENUE

1. This Court has jurisdiction under the American with Disabilities Act (ADA), 42 U.S.C. § 12101 and supplemental jurisdiction over Plaintiff's related state law claims.
2. The events or omissions giving rise to these claims, occurred within the jurisdiction of the Middle District of Pennsylvania.

3. Plaintiff filed a charge with the Equal Employment Opportunity Commission (EEOC), which issued him a right to sue letter on November 9, 2016. (See attached Exhibit A for Plaintiff's Charge and right to sue letter).

PARTIES

4. Plaintiff David Brunner, an adult male individual, currently resides at 777 Silverdale Rd., Julian, PA 16844.
5. Defendant AccuWeather is a business located at 385 Science Park Rd., State College, PA 16803 and employed Brunner at all times relevant hereto.

FACTS

6. Brunner began working at AccuWeather on or about August 8, 2015 as Manager of Talent.
7. Brunner had prostate cancer in 2010 and Mantle Cell Lymphoma in 2013 and in November 2015 he was diagnosed with L2/L3 RT Spinal Stenosis. Due to these disabilities requires regular doctors' visits and testing.
8. On November 20, 2015 Brunner was admitted to Mount Nittany Medical Center Emergency Room and was diagnosed with L2/L3 Spinal Stenosis.
9. Brunner was released from the hospital on November 23, 2015 but was not permitted to return to work for two weeks until he received an epidural injection for the Spinal Stenosis.
10. Brunner gave his supervisor, Tom Loebig his doctor's excuse and Mr. Loebig stated "put that away! You can't take any more time off! You already took too much and you just got here!"
11. Brunner also took his doctor's excuse to human resources.

12. Brunner never heard anything from human resources regarding his note or if any other documentation was required.
13. Fearful that he would lose his job, Brunner continued to work against his doctor's excuse and advice.
14. Brunner returned to work before receiving the epidural injection on November 24, 2015.
15. Brunner has still not received the epidural injection.
16. The week of January 25, 2016 Brunner used accrued vacation time for one week to get a pet scan and cat scan for his cancer, which he must do every six months.
17. Brunner's scan was rescheduled until February 2, 2016.
18. Brunner informed Mr. Loebig about his cancer scan and Mr. Loebig said "Again? All you do is take off."
19. Additionally, Brunner informed Mr. Loebig that his wife was extremely sick and that he needed time off to drive her to Allentown for medical testing.
20. Mr. Loebig rolled his eyes when Brunner informed him.
21. Brunner was berated by Chief Meteorologist, Bernie Rayno, in front of coworkers.
22. Defendant was notified of Mr. Rayno's behavior multiple times and did not address it.
23. Defendant did eventually respond to Brunner's complaints stating "That's Bernie being Bernie."
24. Within Brunner's first month working for Defendant he required medical treatment for stress.
25. On February 8, 2016 Brunner was terminated from his position with Defendant. The reason given was that Brunner was "not a good fit" three days after Brunner's time off for his scans and bloodwork.

26. On February 23, 2016 Brunner suffered from a mental breakdown from the stress and anxiety he had dealt with while working for Defendant and his subsequent termination.

27. Brunner is currently in treatment for clinical depression.

COUNT I
American with Disabilities Act (ADA), 42 U.S.C. § 12101
DISABILITY DISCRIMINATION

28. All preceding paragraphs are hereby incorporated, as if specifically averred herein.

29. The statute prohibits discrimination against employees with physical impairments, and imposes an obligation on employers to make reasonable accommodations for individuals with disabilities. The statute also protects employees from coercion, intimidation, threats, harassment, or interference with exercising their rights granted by the ADA.

30. Brunner was harassed by Mr. Loebig for requiring time off to deal with his serious medical disabilities.

31. Defendant terminated Brunner, who is disabled.

WHEREFORE, Plaintiff respectfully requests this Court enter judgment in his favor, and award the following damages against Defendants:

(A) Injunctive and declaratory relief;

(B) Loss of back wages;

(C) Loss of future wages;

(D) Punitive damages;

(E) Attorney’s fees and costs;

(F) Pre-judgment and continuing interest; and

(G) Other such relief as the Court may deem just and proper

COUNT II
Pennsylvania Human Relations Act (PHRA), Title 43 P.S. § 955
DISABILITY DISCRIMINATION

32. All preceding paragraphs are hereby incorporated, as if specifically averred herein.
33. The statute prohibits discrimination against employees with physical impairments, and imposes an obligation on employers to make reasonable accommodations for individuals with disabilities. The statute also protects employees from coercion, intimidation, threats, harassment, or interference with exercising their rights granted by the ADA.
34. Brunner was harassed by Mr. Loebig for requiring time off to deal with his serious medical disabilities.
35. Defendant terminated Brunner, who is disabled.

WHEREFORE, Plaintiff respectfully requests this Court enter judgment in his favor, and award the following damages against Defendants:

(H) Injunctive and declaratory relief;

(I) Loss of back wages;

(J) Loss of future wages;

(K) Punitive damages;

(L) Attorney’s fees and costs;

(M) Pre-judgment and continuing interest; and

(N) Other such relief as the Court may deem just and proper

WHEREFORE, Plaintiff, David Brunner, respectfully requests that this Honorable Court enter judgment in his favor and against that of Defendant AccuWeather, and grant Plaintiff the following damages: back pay, front pay as appropriate, compensatory and punitive damages, cost of suit, attorney's fees and any other relief as the court may deem necessary.

JURY TRIAL DEMANDED

Respectfully Submitted,

/s/ Stephen H. Franko IV
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Dated: January 27, 2017

Attorney for Plaintiff